

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow. By this amendment, Claims 1 and 6 are cancelled, Claims 2 – 5 are amended and new claims 7 – 14 are added.

Information Disclosure Statement

The objection to the Information Disclosure Statement is duly noted. The Statement is resubmitted as a separate paper with this Amendment. A non-patent document “ACEEE’s Green Book” is added to the list and all listed documents are attached to the Statement.

Drawings

The objection to the informal drawings is duly noted. The drawings have been corrected and a set of formal drawings is submitted herewith.

Overview of Applicant’s Invention

Before responding in detail to Examiner’s rejection of the claims, it will be helpful to consider an overview of Applicant’s invention against the background of the prior art. Applicant’s invention provides a market-driven system for sustaining the environment wherein each stakeholder participating in the method has an incentive (either monetary or non-monetary) to participate in the net result of environmental protection for the benefit of all. This should be contrasted with the federal and state government effort to sustain the environment by regulations requiring industry to meet certain specific standards in product performance and certain aspects of manufacturing. The regulation-driven system of the government produces results which are sometimes inconsistent with the demands of the marketplace; further, the results are not effectively communicated to the consumer for use in selection of a new vehicle.

**Applicant's Method is Market-Driven vs.
Regulation-Driven Method of Green Book**

For discussion herein, Applicant's method is implemented by an e-commerce company called AMES. In Applicant's invention, an award, such as a trophy or plaque, is presented for one or more top-rated vehicles in various classes based upon a numerical rating derived for each vehicle by a predetermined algorithm. In practice, for the model years 2000 through 2003, the AMES Awards have been given to each of the highest rated vehicles in their respective classes. In order to facilitate the communication of the results of the annual ratings and awards, Applicant's method is carried out using the designation of individual vehicles by the brand/model nomenclature such as the "Ford Focus" which means that the vehicle is manufactured by the Ford Division of Ford Motor Company and it carries the model name "Focus". This is in keeping with the common practice in the automotive industry and serves as a basis for communication in advertising and otherwise between manufacturers and consumers as well as all other stakeholders.

On the other hand, the prior art "Green Book" uses the U.S. government "Vehicle Certification Configuration," identified by the emissions compliance label under the hood of each new vehicle, for indicating to the consumer that the vehicle complies with certain governmental regulations. Users of the "Green Book" methodology must have access to the physical vehicles they are considering and open the hoods of competing products to determine their status vis-à-vis the "Green Book" ratings. The difficulty for getting a clear and easy-to-use identification of top rated vehicles from the "Green Book" is indicated in the "Green Book" itself. For example, the "Green Book" states, beginning at page 5, last line "For most consumers, the Green Score and Class Ranking provide a good indication of a car's environmental performance". Further, the inset on page 7 of the "Green Book" includes a diagram showing "How to Tell Which Emissions Standard a Vehicle Meets" with the following closing advice "... so ask your dealer or look for special labels saying that a vehicle is a LEV or ULEV". For those prospective buyers who are looking for the "greenest options", the "Green Book" advises at page 12 as follows "In any case, the best bet is to ask your dealer for the cleanest available versions of the models you are

considering"! Thus, the prior art does not communicate the identity and ratings of vehicles in a simple and direct manner, like that of Applicant's method.

Further, Applicant's method provides for presentation of awards and announcements of award winning vehicles and manufacturers at the beginning of the vehicle model year whereby consumers and manufacturers alike, as well as other stakeholders, benefit from having the information in a timely manner for purchase/sales of new vehicles.

On the other hand, the prior art "Green Book" releases its findings halfway through the model year when it is too late to be of significant help in furnishing timely information to consumers--consequently the prior art method is not market-driven. Instead, it is a government regulation-driven method, using regulatory nomenclature rather than widely accepted nomenclature of industry marketplace--brand/model, to attempt to sustain the environment.

Further, access to the Applicant's information and identification of Award winning vehicles is free via the Internet.

On the other hand, the ACEEE sells their information through subscriptions to their web site or by the purchase of their Green Book.

In Applicant's method, the use of the Internet is a significant new contribution as a means for transmitting information and establishing links and relationships among the participants and stakeholders. When using the Internet, the environmental performance data is consolidated by AMES (the implementer of Applicant's method), in an easy to understand and industry compatible manner. For example, the consumer can go to the dealer and designate his choice of award winners by brand/model such as Ford Focus. On the other hand, a consumer cannot buy a car by telling the dealer the engine family certification number given by the "Green Book."

Use of the AMES ratings of environmental data by e-commerce automotive information services and buying services provide relevant comparative data to aid their customers in selecting a vehicle for purchase. (This enables business to be conducted electronically, i.e., e-commerce, with revenues flowing to AMES from the e-commerce automotive information/buying services as compensation for data furnished. Further the environmentally sensitive manufacturers and products will be designated as having received an AMES Award on the Internet).

All Participants Benefit From Applicant's Method

It will now be appreciated that implementation of Applicant's method provides a multi-party interactive network for communication with regard to the environmental sensitivity of the passenger cars and light trucks and the manufacturers as a whole. This network of communications is shown in Figure 4.

AMES as implementer of the communication system obtains and processes data and information from various sources including the industry members and governmental agencies in regard to environment performance matters. AMES analyzes the data and information and, in accordance with a predetermined algorithm, develops ratings of vehicles and manufacturers in respect to environmental sensitivity. AMES presents awards in accordance with the ratings and promulgates information via the Internet in respect to the higher tier of the ratings and awards.

In the communication network, the e-commerce company AMES posts the results of its rankings on its web site on the Internet. AMES has direct communication with government agencies such as the EPA and the DOE as well as certain state agencies. It also has direct communication with special interest groups, such as the Environmental Defense Fund, Union of Concerned Scientists, etc. and with Internet information services, such as The Kelly Blue Book, autobytel.com, edmunds.com, etc. all of whom have Web sites on the Internet. Also, AMES has direct communications with the media in respect to press releases regarding the AMES Award winning products. There is also direct communication with Wall Street, especially with the auto industry analysts, because of the impact of the degree of social consciousness of companies listed on the stock exchange. There is also direct contact with the insurance industry because rapid changes in the normal weather or environmental quality have an influence on their business. AMES also maintains a constant dialog with the vehicle manufacturers and e-commerce information and buying services to receive feedback on AMES segmentation of the market, licensing of the awards and other matters. The communication among and interaction among AMES, vehicle manufacturers, the public and other organizations is realized in many respects through Web sites on the Internet.

As shown in Figure 5, each of the participants realizes benefits which arise from the activities of the others in the network and each contributes something by way of information processing and communication to others in the network and to the public. Prospective purchasers of cars or trucks gain helpful information at no cost and the sales of environmentally sensitive vehicles are enhanced by the system.

AMES, as the implementer of the system, is compensated for its services by licensing fees assessed to manufacturers for advertising and promotional use of the AMES logos and the AMES Awards. Manufacturers realize increase market share and profits by promoting and advertising the unmatched competitive advantage of their AMES Award winning brand/models over non-winning brand/models.

The e-commerce information and buying Web sites on the Internet are also a source of compensation for AMES by licensing the use of the AMES Award winners list, logo and Award that provides their customers with important environmental performance information and reinforcement of a third party validation to facilitate their purchase decision. The e-commerce web sites gain incremental visitors, revenue and profits from consumers fulfilling their need to contribute to sustaining the environment.

The environment benefits from Applicant's system in that vehicles that have a lesser impact on the environment will comprise a large percentage of new vehicles sold.

The government agencies and special interest groups and information services realize benefits from the system along with the media, Wall Street, and insurance companies. Thus, it can be said that the communication system of this invention is synergistic in the sense that the beneficial results achieved by the interaction of the group of participants in the system is greater than the sum of the results of the individual participants.

Claim Rejections – 35 USC §103

Examiner rejected independent Claim 1 as being unpatentable over the reference referred to as "First-Ever" in view of the reference referred to as "How-Green" and further in view of reference referred to as "aceee.org" and in view of "OFFICIAL NOTICE" regarding the awarding of physical awards. Independent

Claim 1 is cancelled and new independent Claim 7 substituted to more clearly distinguish Applicant's invention from the prior art. Claim 7 defines a combination of method steps and features which are not disclosed or obvious from the cited prior art relied upon by Examiner for rejection of Claim 1, as set forth below.

Applicant has presented an entirely new concept for sustaining the environment, namely a market-driven method in which all participants have the opportunity to realize benefits, monetary or non-monetary, with the public benefiting from the resulting environmental protection, as set forth above. The book entitled "ACEEE's Green Book", is supplemental prior art and a copy is submitted herewith in the Information Disclosure Statement. (herein referred to as the "Green Book".) This publication does not suggest or make obvious the concept or implementation of a market-driven method for sustaining the environment; on the contrary, it discloses a regulation-driven method for sustaining the environment.

Claim 7 recites "a market-driven system for sustaining the environment by using the Internet" with the steps of identifying cars and light trucks etc. and developing an environmental performance rating system based upon the rating algorithm driven by quality assured data and obtaining the data over the Internet... . These method steps are not suggested or made obvious from "First Ever" and "All Green" which are relied upon by Examiner as teaching that "ACEEE is non-profit concern" which established a web site that, among many other services, sells information to consumers regarding the rating of environmental performance, described in regulatory terms, of cars and trucks. This is contradictory to Applicant's invention wherein the company performing these steps is a profit-motive company and thus part of a market-driven system.

Claim 7 recites the step of appointing an e-commerce company and having it perform the combination of method steps of processing data into ratings, establishing an Internet web site communicating information regarding award winning vehicles and ratings, and presenting awards to manufacturers of award winning vehicles and granting to each manufacturer of an award winning vehicle the opportunity of a license to display said award in its advertising. These methods steps synergistically co-act with each other to provide the automobile manufacturers an additional basis for advertising and selling vehicles and at the same time give the e-commerce company

an opportunity to realize a profit based on licensing fees. This combination of method steps produces a market driven system for sustaining the environment because consumers will be able to select award-winning vehicles of their choice which will help sustain the environment. As a result the vehicle manufacturers will have an incentive to develop and sell new vehicles that are environmentally sensitive. The prior art does not suggest or make obvious this combination of method steps.

Examiner asserts (see cancelled Claim 6) that Acceee.org teaches that ACEEE identifies vehicles by brand name and model and produces ratings in timed relationship with the model year and, by its web presence, it identifies top environmentally performers to consumers. It is submitted that this finding is taken out of context by Examiner since none of the features of the ACEEE method contribute to a market driven system. The reference Acceee.org does list vehicles by make and model, for example at the top of page 2 under "Subcompacts" the Honda Civic GX CHG is shown with a superior ranking in its class. However, this is the case for only one vehicle configuration as indicated in the table. As discussed above, the use of brand name and model to identify top performers is essential to consumers in buying a top performer since the "Green Book" uses the U.S. Government vehicle certification configuration, such as the emissions compliance label located under the hood of each new vehicle, for indicating to each consumer that the vehicle complies with regulations. The users of the "Green Book" methodology must have access to the vehicles that they are considering and open the hoods of competing products to determine their status via the "Green Book" ratings. Further, the ratings of the "Green Book" methodology are released about half way through the model year, an inopportune time for the promotion of award winning vehicles with respect to increasing the sales and for helpfulness to the consumers. Both of which are needed to provide a market-driven system for sustaining the environment.

Further, the web presence in the "Green Book" methodology is unlike that defined by Claim 8 which is dependent on Claim 7. In the "Green Book" methodology, the web presence might be characterized as a means to sell information about vehicle ratings without interaction with other web sites. In Claim 7 the e-commerce company actively promotes the use of the environmental evaluation by furnishing it to consumers and other stake holders such as other e-commerce web sites

which furnish other automotive services and automotive buying services such information to aid their customers in selecting a vehicle for purchase. This enables business to be conducted electronically with revenues generated by licensing the intellectual property (provides free information to consumers via the Internet) to compensate AMES and the affiliated e-commerce services.

In view of the foregoing, it is submitted that independent Claim 7 is unobvious over and patentably distinct from prior art and should be allowed.

Dependent claims 2, 3 and 4 are rejected under 35 U.S.C. § 103 as being obvious over "First-Ever", "How-Green", "aceee.org" and in view of "OFFICIAL NOTICE".

Dependent claims 2, 3, 4, 5, 8 are all dependent upon Claim 7 and define Applicant's invention with greater particularity. Accordingly, these dependent claims should be allowed along with Claim 7.

Claim Rejections – 35 USC §103

Examiner rejected independent Claim 6 as being unpatentable over the reference referred to as "First-Ever" in view of the reference referred to as "How-Green" and further in view of reference referred to as "aceee.org" and in view of "OFFICIAL NOTICE" regarding the awarding of physical awards. Claim 6 is cancelled and new Claim 9 is substituted therefor. New Claim 10 is dependent on Claim 9.

Claim 9 is broader in scope than Claim 7 in that Claim 9 does not recite the automotive industry; however Claim 9 otherwise is analogous to Claim 7. Claim 9 thus avoids the prior art in the same manner as Claim 7 and is patentable thereover.

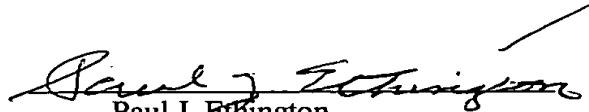
Claims 10 – 14 are dependent upon Claim 9 and should be allowable therewith.

It is submitted that this application is now in condition for allowance and notice thereof is respectfully requested.

The Commissioner is hereby authorized to charge the three-month extension of time fee, as well as any other required fee, or credit any overpayment associated with this communication to Deposit Account No. 50-0852.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

A handwritten signature in cursive script, appearing to read "Paul J. Ethington", with a long horizontal flourish extending to the right.

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Date: June 4, 2003
PJE/taw
Enc.



Marked up Version of Application

Please amend the Abstract as follows:

[A method for developing] A communication system and method for sustaining the environment is disclosed. [ratings] Ratings of the environmental sensitivity of vehicles and vehicle manufacturers are developed using a predetermined rating algorithm and [for communicating] such ratings are communicated to consumers, manufacturers and other interested parties. The [method utilizes the] Internet is used for acquiring data and disseminating information to identify vehicles. Individual vehicles are identified by brand and model designation as used in the marketplace and by the industry stakeholders. [available on the market to consumers with an environmental performance rating based upon a rating algorithm.] Awards are [awarded] presented in recognition of the top rated vehicles and manufacturers in regard to environmental sensitivity based on said algorithm. The rating system and the identification of the award winners, using the generally accepted language of the industry stakeholders, is communicated to consumers and to stakeholders such as the manufacturers, special interest groups and governmental agencies.

IN THE SPECIFICATION

On page 3, line 6, please amend the following paragraph as follows:

The *Green Book* reports a "Green Score" on a scale from zero to 100 for certification vehicle configurations used by the government to determine compliance with applicable standards. The vehicles are grouped by class, i.e. type of body style, such as midsize car, minivan, standard pickup and so on. A summary of ratings indicating the top-rated certification vehicle [configurations] configuration in each class is tabulated using five symbols based on a certification vehicle configuration's rank within its class. The tabulation also shows the Green Score for each of the certification vehicle configurations. The Green Score is based on official emissions and fuel-economy test results[,] and other specifications reported by automobile manufacturers.

On page 4, line 5, please amend the paragraph as follows:

The *Green Book* is released half way through the model year thereby limiting its impact to those buyers in the later half of the model year. In most cases a consumer can not order a vehicle based on the way the *Green Book* describes them. According to the *Green Book*, the only way [the a customer] customers can be sure they are considering a vehicle the *Green Book* has rated is to lift the hood of the actual vehicle under consideration and check the emissions compliance label physically installed on the vehicle. In general, the information in the *Green Book* is as complicated as the government regulations that generated the certification data used in the ratings.

On page 5, line 8, please find amend the paragraph as follows:

This invention comprises a method of consolidating environmental performance data on cars and light trucks in an easy-to-understand and industry compatible manner for use by: (1) the consumer in the process of selection of a vehicle for purchase, (2) the vehicle manufacturers to facilitate consideration and awareness of their products through advertising, (3) the vehicle manufacturers to assess their relative environmental position in the market place and develop plans for any needed change, and (4) the e-commerce automotive information/buying services (hereafter e-commerce automotive businesses) to provide relevant comparative data to aid their customers in selecting a vehicle for purchase. A critical element of the invention is the use of a computer network, e.g. the Internet, as a means to transmit information and to establish links and relationships among parties having related interests in the industry. This allows business to be conducted electronically, i.e. e-commerce, to compensate the facilitator. Further, the environmentally sensitive manufacturers and the environmentally sensitive products will be recognized by presentation of awards.

On page 6, line 5, please amend the paragraph as follows:

The method of this invention involves communication with business entities within the selected industry and with potential consumers, purchasers of products or services, and related industries and government. For example, when the

method of the invention is applied to the automotive industry, the facilitator of the method would furnish the names of the manufacturers and products which are recipients of the awards to the following for their respective purposes, as follows:

On page 15, line 1, please amend the paragraph as follows:

Before data collection begins, AMES segments the industry into comparable product or service groups that consumers typically consider in their purchase decision. For example in the automotive industry, product offerings could be categorized into eight car (subcompact, compact, mid-size, full-size, premium, luxury, sporty, and sports) and seven light truck (minivan, full-size van, compact pickup, full-size pickup, compact SUV, mid-size SUV, and full-size SUV) vehicle utility classes (hereafter VUC). This invention provides consumers looking for a specific vehicle utility with an opportunity to learn which product offerings in a VUC are the most environmentally sensitive. An example of the automotive market segmentation is shown in [Figure 2] Figures 2A and 2B.

Beginning on page 15, line 18, please amend the paragraph as follows:

According to this invention, the public interest is served by converting highly technical data (which is available from the automotive manufacturers, EPA and DOE on environmental sensitivity but which is not understandable to the layman) and developing it into a meaningful rating or ranking of each manufacturer and/or each brand/model of vehicle on the basis of environmental sensitivity. In this process, AMES obtains all needed technical data from EPA and DOE under the provisions of the *Freedom of Information Act* for air pollution and fuel consumption. Such data is certified to the government as to accuracy by the manufacturers. AMES obtains all necessary technical information in regard to materials recycling from manufacturers who [chose] choose to voluntarily submit the information. To verify its accuracy an independent audit is made of the records of each automotive company by an independent auditor engaged by AMES.

On page 18, line 4, please amend the paragraph as follows:

As discussed above, the EPRI serves as a facilitator for selecting an industry, [identify] identifying product characteristics that would benefit from application of this method and establishing an e-commerce business subsidiary that implements the method.

On page 23, line 4, please amend the paragraph as follows:

As a supplement to the communication plans, it is necessary to learn and utilize industry-accepted protocols for the industry selected. In the automotive example it was necessary to utilize protocols such as peer review in the technical community, Auto show press preview schedules, Federal Register promulgation of applicable regulations and rules, industry sources for identification of e-commerce automotive businesses, EPA, DOE and CARB contacts, Non-Government Organizations, academic contacts, Federal Trade Commission guidelines on environmental claims, research of market trends sources and contacts at automotive manufacturers. [Members] Personnel of [the] AMES would have extensive industry experience that [allowed] allows the implementation of this process step. Establishment of e-commerce business entity in Step 4 must highly weigh this step in the selection or creation of the subsidiary.

On page 25, line 30, please amend the paragraph as follows:

It will now be appreciated that AMES, has established a multi-party interactive network for communication with regard to the environmental sensitivity of the passenger cars and light trucks and [the] manufacturers as a whole. This network of communications is shown in Figure 4.

On page 26, line 19, please amend the paragraph as follows:

In the communication network, AMES posts the results of its rankings on its Web site on the Internet. AMES has direct communication with government agencies such as the EPA and the DOE as well as certain state agencies. It also has direct communication with special interest groups, such as the Environmental Defense Fund, Union of Concerned Scientists, etc. and with Internet information services, such

as The Kelly Blue Book, autobytel.com, edmunds.com, etc. all of whom have Web sites on the Internet. Also, AMES has direct communications with the media in respect to press releases regarding the AMES Award winning products. There is also direct communication with Wall Street, especially with the auto industry analysts, because of the impact [of] on the degree of social consciousness of companies listed on the stock exchange. There is also direct contact with the insurance industry because rapid changes in the normal weather or environmental quality have an influence on their business. AMES also maintains a constant dialog with the vehicle manufacturers and e-commerce [information and buying] information/buying services to receive feedback on AMES segmentation of the market, licensing of the awards and other matters. The communication among and interaction among AMES, vehicle manufacturers, the public and other organizations is realized in many respects through Web sites on the Internet.

On page 28, line 4, please amend the paragraph as follows:

The e-commerce information services and buying services. Web sites on the Internet are also a source compensation for AMES by licensing the use of the AMES Award winners list, logo and Award that provides their customers with important environmental performance information and reinforcement of a third party validation to facilitate their purchase decision. The e-commerce Web sites gain incremental visitors, revenue and profits from consumers fulfilling their need to contribute to sustaining the environment.

IN THE CLAIMS

2. A method as defined [in] by Claim [1] 7 for identifying to consumers via the Internet, in a consumer friendly, industry compatible and timely manner said award-winning vehicles wherein said method includes the steps of:

[k)] identifying, by brand name and model, the [different] vehicles offered for sale by different companies in the automotive industry such identification being the same as that used in advertising by the manufacturers and retailers,

[l)] producing said ratings [in timed relationships with] at the beginning of the model year of the industry,

[m)] establishing and implementing communication plans for identifying the top environmental performers to consumers for the model year whereby consumers will be enabled to sustain the environment by purchasing the identified vehicles and are benefited by an improved environment [and benefited by improved vehicle operating costs].

3. A method as defined by Claim [1] 7 for helping a vehicle manufacturer to increase [it's] its sales of vehicles which are among the best in environmental performance ratings, wherein said method includes the steps of:

[n)] establishing a national recognition for said ratings and said [physical] awards by,

[o)] facilitating the use by the vehicle manufacturer [of the rating system and the use] of the awards in its advertising and other promotional activity,

[p)] whereby the manufacturer gains marketplace creditability for the environmental performance of its vehicles and gains image enhancement and whereby it can differentiate its products on the basis of environmental performance and third-party validation of its award-winning models.

4. A method as defined by claim [1] 7 for decreasing the impact of the automotive industry on the environment by enabling consumers to select for purchase those vehicles that have been identified as among the best in environmental performance, wherein said method includes the steps of :

[q)] developing and implementing a communication plan that is readily understandable and familiar to consumers (award winner better than a non-award winner), thereby gaining [gains] recognition and acceptance in the marketplace [for the rating system],

[r)] facilitating the advertisement and the identification of the top-rated vehicles to induce consumers to buy the top-rated vehicles (i.e. the award winners),

[s)] whereby the impact of vehicles on the environment will be decreased.

5. A method as defined by claim [1] 7 for helping automotive e-commerce businesses [(including e-commerce product information services and e-commerce buying services)] increase the number of visitors to their web sites,

[t)] said e-commerce company establishing links between its web site and the web sites of [the] said automotive e-commerce businesses to permit visitors to the web sites of [the] said automotive e-commerce businesses to obtain independent verification of ratings and awards,

[u)] whereby [the] said automotive e-commerce businesses will enjoy a better public image for providing environmental performance data and whereby consumer-usable environmental information will favorably differentiate the automotive e-commerce businesses and provide increased revenue for them.